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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,670	02/11/2002	Erik B. Christensen	50037.94USU1/167394.2	4585

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EXAMINER	
RIES, LAURIE ANNE	

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/073,670	Applicant(s) CHRISTENSEN ET AL.	
	Examiner Laurie Ries	Art Unit 2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: 1-22.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☒ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See continuation below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

H Herndon

Heather R. Herndon
Supervisory Patent Examiner
Technology Center 2100

The declaration under 37 CFR 1.132 filed 12/4/06 is sufficient to overcome the rejection of claims 1-19 under 35 U.S.C. 102(a) and claims 20-22 under 35 U.S.C. 103(a) based upon the evidence submitted showing authorship of the original DISCO document, dated July 7, 2000. The rejection under 35 U.S.C. 102(a) of claims 1-19 and the rejection under 35 U.S.C. 103(a) of claims 20-22 have been withdrawn.

Claims 1, 10-14, 16-17, and 20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Li (U.S. Patent 6,631,496 B1) in view of Kusama (U.S. patent 6, 571,248 B1).

Claims 2-9, 18, and 22 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Li (U.S. Patent 6,631,496 B1) in view of Kusama (U.S. Patent 6,571,248 B1) and Sundaresan (U.S. Patent 6,651,059 B1).

Claims 15, 19, and 21 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Li (U.S. Patent 6,631,496 B1) in view of Kusama (U.S. Patent 6,571,248 B1) and Manning (U.S. Publication 2002/0103829 A1).

Applicant's arguments filed 12/4/06 regarding the rejection of claims 1, 10-14, 16-17, and 20 under 35 U.S.C. 103(a) have been fully considered but they are not persuasive.

In response to applicant's argument that the combination of Li and Kusama would not be operative, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Applicant argues on Page 8 of the Instant Amendment that Li in combination with Kusama fails to teach requesting metadata from aany of the linked documents. The Office respectfully disagrees. While Li does not teach expressly retrieving metadata from the other resources identified by a second identifier, Li does teach that the documents discovered in response to the request are matched to the original resource by searching for particular values in the discovered documents, such as keywords or links (See Li, Column 7, lines 14-53, and Figure 9). At the time of the invention it would have been obvious to one of ordinary skill in the art to conclude that the metadata, such as certain keywords, included in the request are retrieved from the discovered documents. The motivation for such a conclusion would have been to allow a user to locate keywords within the discovered documents thus indicating a relationship between the original resource and the discovered documents and providing a method to bookmark said discovered documents (See Li, Column 6, lines 43-60).

Applicant argues on Pages 8-9 of the Instant Amendment that Li in combination with Kusama fails to teach that a response document includes an indication that metadata exists within a second resource identified by a second identifier. The Office respectfully disagrees. While Li does not teach expressly an indication identifying the metadata format, or the generation of a request to retrieve the metadata from the second resource where the generated request is formatted to support the metadata format, Kusama teaches indicating a metadata format, such as a binary format (See Kusama, Column 11, lines 66-67, and Column 12, lines 1-13). Kusama also teaches generating a request to retrieve the metadata from a second resource supporting the metadata format (See Kusama, Column 12,lines 30-35). At the time of the invention it would have been obvious to one of ordinary skill in the art to include the metadata format and request to retrieve the metadata in the metadata format of Kusama with the metadata processing system and method of Li. The motivation for doing so would have been to synthesize the metadata in a particular order, such as by date, in order to describe the relationship between documents (See Kusama, Column 2, lines 33-39, Column 11, lines 61-67, and Column 12, lines 1-4).

Applicant argues on Page 11 of the Instant Amendment that Li in combination with Kusama fails to teach interaction between a client computer, a server computer, and documents, as recited in claim 19. The Office respectfully disagrees. Li teaches a system that includes interaction between client and server computers containing documents, such as the Internet (See Li, Column 5, lines 15-19).